

**Brunswick Planning Commission**  
**Minutes**  
**June 28, 2004**

**Commission Members Present:** Chair Ed Gladstone, Vice Chair Don Krigbaum, Secretary Connie Koenig, Wayne Dougherty, and Ellis Burruss, Alternate

**Mayor & Council Present:** Councilman Joe Harrington

**Staff Present:** City P & Z Administrator Rick Stup & Carole Larsen, County Planning Liaison

Chairman Gladstone called the meeting to order at 7:00 PM.

**Minutes**

The minutes of the April 26 meeting were reviewed and approved with minor corrections to be made by Staff. (MOTION by Mr. Burruss and seconded by Mr. Krigbaum, unanimously passed.)

**Chairman**

Mr. Gladstone requested all those in attendance who were going to speak on any of the cases, to rise and be sworn in. He administered the oath.

Mr. Stup led discussion with regard to the July 15 MCPA Workshop in Mt. Airy.

Mr. Stup reminded the Commission that the annual election of officers would occur at the next meeting after July 1 in accordance with the Commission By-Laws and Procedures.

Mr. Stull was absent due to the MML Conference.

There will not be a Planning Commission meeting in July unless notified due to lack of agenda items and the City Attorney on vacation and cannot review and comment on PWA Packages.

**Old Business**

**ZONING – Site Plans – Public Improvement Plans**

**Lot 260 (East F Street):** Request for approval of a waterline extension, located in F Street, west of Second Avenue. Zoning Classification: OS, BR-IP-03-02

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**Staff Presentation and Recommendation**

Mr. Stup presented the Staff Report for this request to extend a 2'' water line to serve Lot 260. This case was originally heard at the September 24, 2003 Planning Commission. Because of discrepancies with City Policies, Design Standards and Staff/Agency Recommendations, it was continued until the December Planning Commission Meeting. The case was again heard and continued by the Planning Commission at the December 22, 2003 Meeting. A TAC Meeting was held on April 28, 2004. Revisions were submitted by the applicant for processing for the June 28 Meeting. This request is to extend an 8'' Water Line to serve Lot 260 and provide required street improvements. The property was posted in accordance with the Planning Commission Policy. While there is a sanitary sewer connection shown on the plans as existing, no sanitary sewer tap has been allocated to the property. Therefore, it is subject to the current City Policy of no available taps for new projects.

However, with approval and the plan signed, it qualifies to be placed on the waiting list. While most agency comments are technical in nature, the applicant's response No.2 to the City Engineer's Comments is not acceptable. Under the direction of the Council, City DPW responds to the type of existing infrastructure and the City Engineer reviews technical engineering issues to include required size of the improvement and safety related water issues. In addition, while the plan is for water line extension only, the applicant response No. 3 is also not valid. F Street is open but not improved on the applicant's side of the road. Therefore, a standard city half section, at a minimum, is required to be created in order for the lot to be issued a Zoning Certificate. Public Improvement Plans and PWA Process are required for that improvement.

The plan proposes to construct approximately 200' of 8'' Water Line and street improvement to create a minimum 20' paved surface with a turn-around area for emergency vehicles.

**Staff Presentation and Recommendation Cont.**

Because most of the comments are technical of nature and shouldn't require major plan revision, Staff recommends approval of the application with the following conditions:

1. Address agency comments.
2. Final review and approval by Staff.
3. PWA Package submission and approval.
4. Applicant bound by their testimony.

Mr. Stup answered questions with regard to the plan. To include Public Works sanitary sewer comment and the 8'' water line proposal and Design Manual Requirements.

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**Applicant**

Mr. Mike Sponseller, Applicant, presented the Applicant's case.

In answer to Mr. Krigbaum's question, he stated that he preferred to construct a 2" water line. Mr. Stup clarified the required waiver procedure if a 2' water line was to be permitted.

**Public Comment**

Mr. Harrington voiced concerns with regard to stormwater runoff, agreed with the 8" water line, and would like to see the City Street widened past Lot 260. Mr. Stup addressed the concerns at Mr. Gladstone's request.

**Rebuttal**

None.

**Decision**

Mr. Dougherty made a motion to approve the request in accordance with Staff recommendation; Ms. Koenig seconded the motion.

**VOTE:   Yea   5   Nay   0**

**715 East D Street:** Request to extend a water line in Gum Springs Road, located in Gum Springs Road, north of Proposed D Street. Zoning Classification: OS, BR-IP-03-01

**Staff Presentation and Recommendation**

Mr. Stup presented the Staff Report for this request to extend a 2" water line to serve the subject property. This case was originally heard at the September 24, 2003 Planning Commission. Because of discrepancies with City Policies, Design Standards and Staff/Agency Recommendations, it was continued until the December Planning Commission Meeting. The case was again heard and continued by the Planning Commission at the December 22, 2003 Meeting. A TAC Meeting was held on April 28, 2004. Revisions were submitted by the applicant for processing for the June 28 Meeting. This request is to extend a 2" Water Line to serve 715 East D Street.

The request is to extend a 2" water line to serve the subject property. It also indicates a proposed connection to the existing sanitary sewer line in Gum Springs Road. No Sanitary Sewer Tap has been allocated to the property. Therefore, it is subject to the City Allocation Policy. With approval and the plan signed, it qualifies to be placed on the Tap Waiting List for processing. The plan proposes to construct approximately 250' of 2" Water Line to serve the property. The Design Manual requires that an 8" Line be

**Staff Presentation and Recommendation Cont.**

constructed. The request proposes to construct the 2" Line and contribute the difference between the construction of a 2" versus an 8" Line to the City for use at a later date when the City extends and upgrades the Water Main. City Policy also does not allow for dead end lines where possible for service and fire protection. The proposal indicates that there will only be one house served by the line. A Cost Estimate was submitted for Staff Approval to identify the costs. The Commission will need to address whether it is willing to permit this waiver from the Design Manual.

While the submission agrees with one of the solutions discussed at the TAC Meeting. Staff still maintained that the construction of the 8" Line to tie into the next line was the best solution for the City. However, since Public Works had some concerns with regard to stagnant water in the lines, the applicant's solution appeared to be satisfactory. The City Engineer was unable to attend the TAC Meeting and his representative wasn't as familiar with the City and reluctantly didn't press for the through connection option. Since that time, comments from the City Engineer indicate that the through connection should be required in addition to other technical comments.

**Fee-in-Lieu Wavier Request**

Staff recommends denial of the request since compliance with the Design Manual is a viable solution, and Fees-in-Lieu become an accounting issue administratively. However, if approved, the Fee must be acceptable to Staff, all required easements secured, and paid to the City prior to Improvement Plan signature.

**Improvement Plan**

Because most of the comments are technical of nature and shouldn't require major plan revision, Staff recommends approval of the application with the following conditions:

1. Address agency comments.
2. Final review and approval by Staff.
3. PWA Package submission and approval.
4. Applicant bound by their testimony.

Mr. Stup answered questions with regard to the plan and waiver request to include the through line and stagnant water issue.

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**Applicant**

Mr. Mike Sponseller, applicant, presented the applicant's case. He presented the background of his involvement to develop the property over the last several years and frustration with the City Agencies application of the requirements and design size issues.

**Public Comment**

None.

**Rebuttal**

None

**Decision**

Fee-in-Lieu Wavier Request

Mr. Dougherty made a motion to approve the request for construction of the 2" partial water line with the applicant paying the difference between the 2" line and the 8" lone to the City for future water main upgrade; Mr. Krigbaum seconded the motion.

**Vote: Yea 2 Nay 3 (Mr. Gladstone, Ms. Koenig & Mr. Burruss)**

There being no further motion the waiver request was denied by disapproval of the approval vote.

Improvement Plan

Ms. Koenig made a motion to approve the request in accordance with Staff Recommendation, which included the 8" through water line connection; Mr. Burruss seconded the motion.

**Vote: Yea 5 Nay 0**

**New Business**

**Zoning Site Plan**

**84 Lumber Company Retail Facility:** Located between the existing railroad tracks, South of Potomac Street, West of MD RTE 17. Zoning Classification: I-2, BR-SP-03-03-SP

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**Staff Presentation and Recommendation**

Mr. Stup presented the Staff Report for the Re-Approval of the Site Plan for the 84 Lumber Retail Facility and stated that the APFO Approval was still valid with the re-approval of the Site Plan.

Staff recommends conditional approval subject to the following conditions:

1. Execute the approved Final FRO Plan.
2. Staff's final review and approval.
3. Applicable agency comments.
4. All original conditions, proffers and applicant's testimony.
5. Applicant bound by their testimony.

Mr. Stup answered questions with regard to the plan and past approvals, proffers, conditions and discussions.

**Applicant**

Mr. Bruce Dean, McEvoy and Dean, presented the applicant's case and answered questions with Christina Toras, Toras & Toras; Joe Hardy founder and owner of 84 Lumber; Glenn Cook with The Traffic Group; Chris Smariga, Harris, Smariga & Associates; and Daniel Elmaleh with CSX and re-affirmed the Staff Recommendation and past approvals.

**Public Comment**

Ed Smith, MTA, presented a list of concerns and requests with regard to maintenance, construction and safety. He also stated that they wanted to work with the applicant and were in favor of the project because of its economic importance to the City.

Ms. Toras, Mr. Dean, Mr. Hardy, and Mr. Elmaleh addressed MTA concerns and offered to work with them. Mr. Elmaleh stated the CSX was requiring the maintenance issue be addressed as part of the Lease Agreement with 84 Lumber.

Mr. Stup offered clarification and explanation on behalf of the City, and recommended additional conditions to accept the applicant's proffers and require a private Maintenance Agreement between MTA and 84 Lumber prior to U & O Permit Issuance.

**Rebuttal**

None.

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**Decision**

Mr. Krigbaum made a motion to approve the request in accordance with Staff Recommendation to include the two suggested additional conditions; Ms. Koenig seconded the motion.

**VOTE: Yea 5 Nay 0**

**Sports Complex – Status of establishment of the relocated recycling area to a parking area of the Sports Complex:** Located East of Thirteenth Avenue, South of Cummings Drive. Zoning Classification: RS, BR-SP-95-01

Mr. Stup presented the status of establishment of the relocated Recycling Area to a parking area of the Sports Complex was presented as an information item. A Zoning Certificate Application and Plot Plan were to be submitted by County DPW and will be approved by Staff. He stated that unlike most revisions of this type, since there was no new access, parking, or disturbed area proposed, it is in the middle of the City's Complex, and a permitted use, a revised Site Plan was not required. FRO Fee-in-Lieu Funds are proposed to be used by the City on the subject property to include between the over flow parking Area and the ball field on the western side of the Re-Cycle Area. Fence will be installed along the southern portion of the Re-Cycle Area.

Mr. Stup answered Commission questions.

**Public Comment**

Mr. Gladstone asked for an update on the Gateway Concept, which Mr. Stup gave a summary of dealings with the County Planning Commission and the Burgess of Rosemont.

**Adjournment**

The meeting was recessed at 9:00 PM.

Respectfully submitted,

Connie Koenig, Secretary  
Brunswick Planning Commission